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DEPARTMENT OF EDUCATION "POINT OF CONTACT" NOVEMBER 2008 NEWSLETTER

School Buses Save the Environment and are Safer

Technological advances have enabled school buses to make huge strides on the environmental front.

According to the Environmental Protection Agency (EPA), new diesel engine standards have reduced by 98 percent the amount of pollution produced by today's buses compared to buses manufactured two decades ago. Further, today's diesel fuels contain 97 percent less sulfur than diesel fuels sold prior to 2006. Thousands of older buses have been modified to use high tech filters and catalysts capable of reducing emissions by up to 90 percent. According to the EPA, that investment produces $13 in health benefits for every $1 in cost NSTA notes that a teenager who takes the bus and leaves the 2008 Honda Civic at home can reduce her carbon footprint by more than 90 percent. And by replacing those 36 vehicles per bus, school buses ease traffic congestion, reduce road wear, and lower potentially harmful soot and smog-forming emissions, which helps to prevent global warming and protect the environment.

"School buses are not only a more ecologically friendly way of transporting kids back and forth to school, they're the safest way, too." There are a number of reasons why school buses are safer. First, they're specifically designed with special safety features to protect children, including flashing lights, a stop sign, and the bright yellow color that immediately alerts motorists to the presence of children. Also contributing, are Federal safety standards, the structural integrity of the vehicles, and the fact that, in the event of a crash, students are well above the impact zone. Put it together, and you can see why the National Academy of Sciences' Transportation Research Board (TRB) says teenagers who take the bus are 44 percent more likely to arrive at school or home alive than those who drive or ride with friends. According to the TRB, each year there are more than 800 fatalities among students who don't ride the bus to school – and about half of the nations students don't. Fifty-five percent of those fatalities occur in accidents involving teen-driven cars. Surprisingly, 25 percent occur in cars driven by adults. Meanwhile, there are just 20 fatalities annually among the 26 million children who ride the bus twice each day. Of those 20, "only a tick more than five occur *inside* the bus as a result of a traffic accident involving the school bus." The others occur as a student is boarding or disembarking from the bus and often involve motorists passing the bus illegally or students not observing prudent safety precautions. "If it were the other way around – if 800 students died in accidents involving school buses, it would be a national outrage. The public wouldn't stand for it, instead, we lose 800 students a year simply because they won't ride the school bus." Schools and Companies need to make more of an effort to educate students and parents on just how safe school buses are and about safe and responsible behavior while boarding or getting off the bus.

NSTA Scores a Win with FTA's Final Policy Statement

On September 16, the Federal Transit Administration published a Final Policy Statement on its School Bus Regulations in order to clarify its interpretation of "tripper service" and the definition of "school bus operations." As you remember, the agency had published a proposed policy statement in May to resolve, for jurisdictions outside of the Western District of New York, conflicting issues between FTA's school bus operations policy and the Court's decision in the Rochester-Genesee Regional Transportation Authority case. The docket was immediately flooded with comments orchestrated by the American Public Transit Association (APTA) in opposition to the proposal. By the June deadline for comment submission, 157 parties had filed comments (141 of them from Oakland), and only six were in favor of the proposal. Since FTA had indicated that it would consider late comments, NSTA urged members to weigh in—which they did, with gusto! In the end, FTA considered comments filed through August 6—510 in all, and overwhelmingly in favor of the proposal. At issue are the interpretations of two specific terms: "tripper service" and "exclusively." The regulation, which does not change under the policy statement, defines school bus operations as "transportation by bus exclusively for school students . . ." and allows an exception for tripper service, which is defined as "regularly scheduled mass transportation service which is open to the public, and which is designed or modified to accommodate the needs of school students and personnel . . ." The Court in Rochester, along with many transit agencies across the country, have interpreted

“exclusively” to mean that members of the general public must be barred from riding the bus; if there is no express prohibition against non-students, then the service is not exclusive, even if no one else ever uses it. FTA addresses this “exclusive-infact” situation by using a “reasonable person” standard in the Final Statement. It will interpret the term ``exclusively'' to include “any service that a reasonable person would conclude was primarily designed to accommodate students and school personnel, and only incidentally to serve the nonstudent general public.” FTA’s interpretation of “tripper service” will be limited to three modifications of regular public transit service: (1) utilizing various fare collections or the frequency of service, and (3) making de minimis route alterations from route paths in the immediate vicinity of schools to stops located at or in close proximity to the schools. This means that transit may provide more frequent service on an existing route to accommodate increased student ridership before and after school; and it can alter route paths by a few blocks to drop off and pick up students at stops located in close proximity to the schools. But it cannot bypass the regular route system to take kids from home to school without going through a central transfer station, for example, or design limited service routes that run only to school in the morning and from school in the afternoon. The final statement is almost identical to the proposed statement. FTA stressed that its interpretation is in keeping with “Congress’s express intent” to prohibit federally funded transit agencies from competing unfairly with private school bus companies. In considering the many issues that commenters on both sides raised--such as safety, environment, congestion, and fuel economy-- FTA reiterated that “Congress already has spoken to this issue and has decided that it is concerned with preventing unfair competition between Federally subsidized grantees and private school bus operators.” FTA intends to issue “expeditiously” an NPRM to update the school bus regulation and provide clearer definitions of school bus operations and tripper service. In the meantime, you can read the final statement at http://edocket.access.gpo.gov/2008/E8-21601.htm

NHTSA’s Final Rule on Bus Changes

1) The minimum seat width has been revised in the final rule to accommodate the flexible lap/shoulder belt seats (Flexible occupant seat). The belt in the center position of those seats must be marked as a “small occupant seating position (SOSP)” and can accommodate a child up to the size of an average 10-year-old. A Fixed occupancy seat, however, must have a minimum of 15 inches per lap/shoulder belt.
2) The requirement for increased seat back height, lap/shoulder belts on small buses, and self-latching seat cushions on flip seats are the same as the NPRM.
3) The final rule maintains the 10,000 GVWR for type I buses—and thus for the lap/shoulder belt requirement. Several commenters including NSTA had suggested raising the limit to 14,500 in order to capture A-1 buses. NHTSA says this is outside the scope of the rulemaking.
4) Manufacturers have a one-year lead-time to incorporate the higher seat backs and seat latches, and a 3-year lead-time for lap/shoulder belts.
5) NHTSA estimates the cost of the rule to be $125 per large bus and $2,481 per 20-passenger bus. It estimates the benefits to be a reduction of 0.22 fatalities and 66 injuries per year.
6) The final rule mentions that federal funds under section 402 and section 406 may be used by states for the incremental cost of lap/shoulder belt seats. This depends on the state making that part of their safety program, which most state safety officers oppose. There is no set-aside money for school bus occupant protection.
7) NHTSA reiterates in the final rule their “guiding principles” that school buses are the safest way for kids to get to school, and that school districts and states must decide the best use of limited resources. A mandate for lap/shoulder belts in large buses is not warranted by any unreasonable risk of death or injury in school buses. NHTSA quoted NSTA’s comments that the decision to equip large buses with lap/shoulder belts should be left to the states and local districts. NHTSA also agreed that entities that affirmatively choose lap/shoulder belts are more likely to ensure that they are used.

School Buses Save Energy and Money

School buses conserve fuel. The average school bus travels about 12,000 miles each year. A typical school bus replaces an average of 36 private vehicles that would each travel approximately 3,150 miles per year ferrying children to and from school. At an average of 7 miles per gallon, each bus uses around 1,700 gallons per year. The 36 vehicles a bus replaces would collectively use around 5,670 gallons going back and forth to school – which represents a savings of 3,970 gallons of fuel per bus per year. With a Company operating 800 school buses saves more than 3.17 million gallons of fuel per year. Nationwide, NSTA estimates total annual school bus savings of 2.3 billion gallons of fuel from the 480,000 buses transporting kids each day. School buses save money. Those 2.3 billion gallons of fuel represent a savings of more than $8 billion. On a more personal level, studies show a parent living 5 miles from school can save over $700 in gas money annually by not dropping off and picking up a child – to say nothing of the savings in vehicular wear and tear.